

Conference explores ethical challenges associated with controversial or high-profile cases



Former U.S. Attorney General Ramsey Clark (left) and former U.S. Attorney for the District of New Mexico David Iglesias served as the keynote speakers for the 10th Annual Legal Ethics & Professionalism Symposium in Athens. The hosting of this annual symposium rotates between the state's law schools each year.

What are some of the practical challenges and ethical concerns when taking on a controversial case? How far should a lawyer be permitted to go in zealously representing a client? When the representation of a client conflicts with the public good, what should or must a lawyer do? These questions and more were explored during the 10th Annual Legal Ethics & Professionalism Symposium hosted by Georgia Law in October.

Titled Drawing the Ethical Line: Controversial Cases, Zealous Advocacy and the Public Good, the daylong symposium featured an array of notable practitioners and academics who examined the difficult ethical issues encountered by attorneys when defending and prosecuting controversial or high-profile cases.

Contributing their personal experiences to the day's analysis were keynote speakers former U.S. Attorney General W. Ramsey Clark and former U.S. Attorney for the District of New Mexico David C. Iglesias.

In his address, "From Attorney General to Attorney for the Condemned," Clark shared general lessons he learned throughout his time as a lawyer as well as from handling a variety of infamous cases.

"Ethics tends to deal with something that applies to everything—you shouldn't steal, you shouldn't betray people, but to me, legal ethics has a broader meaning," Clark said. "Lawyers have an ethical or moral obligation ... to always act to protect, serve and advance the rule of law.

"Our burden is trying to help shape the law to meet the needs of a constantly changing society, in which many have few rights or privileges. ... There is only one reason to be here, and that is to make a difference," Clark added.

He said one of the differences he strove to make during his career was in the U.S. prison system.

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"More crime came out of prisons than went in, more potential to harm other people came out than went in. If the rule of law doesn't address things like that, who is going to address it?"

Iglesias added to Clark's examination of the rule of law by discussing what can happen when politics gets involved.

"It became abundantly clear that the oath I took [as a U.S. attorney] was to the Constitution. It wasn't to my party, it wasn't to my senator, it wasn't to a specific ideology, but it was to the rule of law," Iglesias said in his presentation titled "A Prosecutor's Non-negotiables: Independence and Integrity."

"I believe that U.S. attorneys are the only appointees that can take away your life, your liberty and your property, and do it completely legally. It's a tremendously serious job, and politics have to stay out of it."

Iglesias said that was why it came as such a shock when on Dec. 7, 2006, he received a phone call from the director of the Executive Office for U.S. Attorneys saying it was time for him to "move on."

During his tenure, Iglesias had received two positive evaluations of his office and was unaware of any current problems. When he asked for a reason to explain the directive, Iglesias said the response was, "All I know is it came from on high." Six other U.S. attorneys received similar phone calls that day.

"I went from having one of the proudest days of my life being sworn in as a United States attorney to, five-and-a-half short years later, swearing to take an oath in front of the United States Senate and the United States House, joined with some of my colleagues, who were there to tell the American public what had happened.

"Justice Jackson said ... 'While the prosecutor at his best is one of the most beneficent forces in our society, when he acts from malice or other base motive, he is one of the worst.' I believe the sad saga of the U.S. attorney firings represents some of those base motives."

In summary of the day's proceedings, symposium organizer and School of Law Professor Lonnie T. Brown Jr. said, "This event explored some of the thorniest and most troubling ethical issues that members of the legal profession can face. The reflections and insights offered by the distinguished participants exposed the many issues that can arise in controversial representations and demonstrated the necessity for very thoughtful drawing of the proverbial ethical line in this context."

Clark's and Iglesias' individual addresses are available for viewing at www.law.uga.edu/lecture-series.

